

### **LISTING OF CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in this application.

1.) (Currently Amended) An extruded aerated confection comprising from 0.5 to 20% by weight on a dry weight basis of fruit solids based on the total weight of said aerated confection and from 0.01 to 0.2% by weight of a hexametaphosphate based on the total weight, said aerated confection having a moisture content of from 1 to 5% by weight, said hexametaphosphate enhancing a rate of gelling of said aerated confection, such that said aerated confection gells to a cuttable mass within 6 minutes after extrusion of said aerated confection.

2.) (Original) The aerated confection of claim 1, wherein said fruit solids are present in an amount of from 0.5 to 10% by weight.

3.) (Original) The aerated confection of claim 1, wherein said fruit solids are present in an amount of from 2 to 5% by weight.

4.) (Original) The aerated confection of claim 1 wherein said fruit solids comprise a dried fruit powder, a drum dried fruit solid, a freeze dried fruit solid, an evaporated fruit puree having a solids level of greater than 80% by weight, or a mixture thereof.

5.) (Original) The aerated confection of claim 1 comprising from 0.02 to 0.05% by weight of a hexametaphosphate.

6.) (Original) The aerated confection of claim 1 having a moisture content of from 2 to 3% by weight.

7.) (Original) The aerated confection of claim 1 further comprising from .1 to 3% by weight of at least one flavor or color.

8.) (Original) The aerated confection of claim 1 further comprising from 1 to 20% by weight on a dry weight basis of seed sugar.

9.) (Original) The aerated confection of claim 1 further comprising from .5 to 15% by weight of a film forming agent.

10.) (Original) The aerated confection of claim 9 wherein said film forming agent comprises a gelatin, an albumin, a pectin, a carboxymethyl cellulose, an alginate, a gum, or mixtures thereof.

11.) (Original) The aerated confection of claim 10 wherein said gum comprises a guar gum, a carrageenan, an arabic gum, a xanthan gum, or mixtures thereof.

12.) (Original) The aerated confection of claim 9 wherein said film forming agent is present in an amount of from about 1 to 7% by weight.

13.) (Original) The aerated confection of claim 1 further comprising sucrose, corn syrup, dextrose, maltose, lactose, glycerin, maltodextrin, a glucose syrup, or mixtures thereof.

14.) (Currently Amended) An extruded aerated confection comprising from 0.5 to 20% by weight on a dry weight basis of fruit solids based on the total weight of said aerated confection and from 0.01 to 0.2% by weight of a hexametaphosphate based on the total weight, said aerated confection having a moisture content of from 10 to 30% by weight, said hexametaphosphate enhancing a rate of gelling of said aerated confection, such that said aerated confection gells to a cuttable mass within 6 minutes after extrusion of said aerated confection.

15.) (Original) The aerated confection of claim 14, wherein said fruit solids are present in an amount of from 0.5 to 10% by weight.

16.) (Original) The aerated confection of claim 14, wherein said fruit solids are present in an amount of from 2 to 5% by weight.

17.) (Original) The aerated confection of claim 14 wherein said fruit solids comprise a dried fruit powder, a drum dried fruit solid, a freeze dried fruit solid, an evaporated fruit puree having a solids level of greater than 80% by weight, or a mixture thereof.

18.) (Original) The aerated confection of claim 14 comprising from 0.02 to 0.05% by weight of a hexametaphosphate.

19.) (Original) The aerated confection of claim 14 having a moisture content of from 10 to 25% by weight.

20.) (Original) The aerated confection of claim 14 having a moisture content of from 10 to 20% by weight.

21.) (Original) The aerated confection of claim 14 further comprising from 1 to 20% by weight on a dry weight basis of seed sugar.

22.) (Original) The aerated confection of claim 14 further comprising from .5 to 15% by weight of a film forming agent.

23.) (Original) The aerated confection of claim 22 wherein said film forming agent comprises a gelatin, an albumin, a pectin, a carboxymethyl cellulose, an alginate, a gum, or mixtures thereof.

24.) (Original) The aerated confection of claim 23 wherein said gum comprises a guar gum, a carrageenan, an arabic gum, a xanthan gum, or mixtures thereof.

25.) (Original) The aerated confection of claim 22 wherein said film forming agent is present in an amount of from about 1 to 7% by weight.

26.) (Original) The aerated confection of claim 14 further comprising sucrose, corn syrup, dextrose, maltose, lactose, glycerin, maltodextrin, a glucose syrup, or mixtures thereof.

27.) (Original) The aerated confection of claim 14 further comprising from 0.1 to 3% by weight of at least one flavor or color.

28.) (Currently Amended) A method for preparing an aerated mallow mixture comprising the steps of:

- a) providing a sucrose solution comprising sucrose and water at a temperature above the crystallization temperature of the sucrose solution;
- b) cooling the sucrose solution to a temperature at or below its crystallization temperature;
- c) adding to the cooled sucrose solution of step b) an amount of from 0.5 to 20% by weight of fruit solids based on the final weight of the mallow mixture;
- d) further cooling the solution from step c) and adding to the solution from 0.5 to 15% by weight of a film forming agent and from 0.01 to 0.2% by weight of a hexametaphosphate to promote gelling of said mallow mixture, both based on the final weight of the mallow mixture; and
- e) aerating the mallow mixture to a density of from 1.5 to 4 pounds per gallon to form the aerated mallow mixture and extruding said aerated mallow mixture, said extruded aerated mallow mixture gelling to a cuttable mass within 6 minutes.

29.) (Original) The method of claim 28 wherein step a) comprises providing a sucrose solution having a solids level of from about 82 to 89%.

30.) (Original) The method of claim 28 wherein step a) comprises providing a sucrose solution comprising sucrose, water and at least one of a corn syrup, a dextrose, a maltose, a lactose, a glycerin, a maltodextrin, a glucose syrup, or mixtures thereof.

31.) (Original) The method of claim 28 wherein step a) comprises providing the sucrose solution at a temperature of from 200 to 250 degrees Fahrenheit.

32.) (Original) The method of claim 28 wherein step b) comprises cooling the sucrose solution to a temperature of from 165 to 180 degrees Fahrenheit.

33.) (Original) The method of claim 28 wherein step c) comprises adding a dried fruit powder, a drum dried fruit solid, a freeze dried fruit solid, an evaporated fruit puree having a solids level of greater than 80% by weight, or a mixture thereof.

34.) (Original) The method of claim 28 wherein step c) comprises adding an amount of from .5 to 10% by weight of fruit solids based on the final weight of the mallow mixture.

35.) (Original) The method of claim 28 wherein step c) comprises adding an amount of from 2 to 5% by weight of fruit solids based on the final weight of the mallow mixture.

36.) (Original) The method of claim 28 wherein step c) further comprises adding from 1 to 20% by weight of a seed sugar on a dry weight basis based on the final weight of the mallow mixture to the cooled sucrose solution.

37.) (Original) The method of claim 28 wherein step d) further comprises providing a film forming agent comprising at least one of a gelatin, an albumin, a pectin, a carboxymethyl cellulose, an alginate, a gum, or mixtures thereof.

38.) (Original) The method of claim 37 wherein step d) further comprises selecting a the gum at least one of a guar gum, a carrageenan, an arabic gum, a xanthan gum, or mixtures thereof.

39.) (Original) The method of claim 28 wherein step d) comprises providing the film forming agent in an amount of from 1 to 7% by weight.

40.) (Original) The method of claim 28 wherein step d) comprises providing the hexametaphosphate in an amount of from .02 to 0.05% by weight.

41.) (Original) The method of claim 28 wherein step d) further comprises adding at least one flavor or color in an amount of from 0.1 to 3% by weight based on the final weight of the mallow mixture.

42.) (Original) The method of claim 28 wherein step e) comprises aerating the mallow mixture to a density of from 2 to 3 pounds per gallon.

43.) (Currently Amended) The method of claim 28 further comprising extruding the aerated mallow mixture, cutting the extruded gelled mallow mixture into pieces to form aerated confection pieces having a moisture content of from 10 to 30%.

44.) (Currently Amended) The method of claim 28 further comprising extruding the aerated mallow mixture, cutting the extruded gelled mallow mixture into pieces, and drying the pieces to a moisture content of from 1 to 5% to form an aerated confection having a moisture content of from 1 to 5%.

45.) (Original) The method of claim 44 comprising drying the pieces to a moisture content of from 2 to 3%.